

HOUSE BILL 1011

E3

0lr2524

By: **Delegates Carter, Anderson, Oaks, Pena-Melnyk, and Simmons**

Introduced and read first time: February 15, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Lead Testing – ~~Required~~ Authorized**

3 FOR the purpose of ~~requiring the juvenile court to order the Department of Health~~
4 ~~and Mental Hygiene to perform a blood lead level test on a child~~ authorizing the
5 juvenile court to order a child to undergo blood lead level testing after a petition
6 has been filed but before an adjudication; ~~requiring~~ authorizing a court
7 exercising criminal jurisdiction in a case involving a child to order ~~the~~
8 ~~Department to perform a blood lead level test on a child~~ the child to undergo
9 blood lead level testing before trial; requiring a copy of certain test results to be
10 provided to certain individuals; and generally relating to juvenile law and lead
11 testing of a child before adjudication or trial.

12 BY adding to

13 Article – Courts and Judicial Proceedings

14 Section 3–8A–16.1

15 Annotated Code of Maryland

16 (2006 Replacement Volume and 2009 Supplement)

17 BY adding to

18 Article – Criminal Procedure

19 Section 4–205

20 Annotated Code of Maryland

21 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 **3–8A–16.1.**

5 (A) AFTER A PETITION HAS BEEN FILED WITH THE COURT UNDER THIS
6 SUBTITLE, BUT BEFORE AN ADJUDICATION, THE COURT ~~SHALL~~ MAY ORDER THE
7 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PERFORM A~~ CHILD TO
8 UNDERGO BLOOD LEAD LEVEL TEST ON THE CHILD TESTING.

9 (B) A COPY OF THE RESULTS OF ~~THE~~ A TEST PERFORMED UNDER
10 SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO:

- 11 (1) THE CHILD;
- 12 (2) THE CHILD’S PARENT OR GUARDIAN;
- 13 (3) THE CHILD’S COUNSEL; AND
- 14 (4) THE STATE’S ATTORNEY.

15 **Article – Criminal Procedure**

16 **4–205.**

17 (A) BEFORE TRIAL, A COURT EXERCISING CRIMINAL JURISDICTION IN A
18 CASE INVOLVING A CHILD ~~SHALL~~ MAY ORDER THE ~~DEPARTMENT OF HEALTH~~
19 ~~AND MENTAL HYGIENE TO PERFORM A~~ CHILD TO UNDERGO BLOOD LEAD LEVEL
20 ~~TEST ON THE CHILD~~ TESTING.

21 (B) A COPY OF THE RESULTS OF ~~THE~~ A TEST PERFORMED UNDER
22 SUBSECTION (A) OF THIS SECTION SHALL BE PROVIDED TO:

- 23 (1) THE CHILD;
- 24 (2) THE CHILD’S PARENT OR GUARDIAN;
- 25 (3) THE CHILD’S COUNSEL; AND
- 26 (4) THE STATE’S ATTORNEY.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.